

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DONALD WILLIAM FAIRBANKS
ARCHITECT, P.C.,
Plaintiff,

v.

FAIRFIELD COUNTY CONTRACTORS
LLC, *et al*,
Defendant.

No. 3:14-cv-01079 (JAM)

ORDER RE DISCOVERY

On October 6, 2015, the Court held a status conference with the parties. Based on that conference, the issue of whether to authorize a second day of deposition of Richard Modzelewski is reserved until the Court receives the following information:

- 1) Whether or not Defendant's counsel will admit that Richard Modzelewski's deposition testimony as to the order in which he created successive iterations of the Westport files is reflected accurately in exhibit 245;
- 2) That Defendant's counsel has identified the location of exhibits 524, 525, and 526 in previous discovery productions for Plaintiff's counsel;
- 3) That Defendant's counsel has advised Plaintiff's counsel whether the material in the supplied PDF is an accurate copy of the 2015 AutoCAD information produced by Richard Modzelewski;
- 4) Plaintiff's counsel has provided the Court with a copy of the disk containing the exhibits that was supplied to the Defendant in advance of the deposition.

In addition, the Court orders that Plaintiff answer Interrogatory 4 as modified to identify those persons to whom Plaintiff spoke about the house at issue while designing the house or implementing the work, including contractor and employees, interior design personnel, real estate agents, and the plaintiff's wife. Plaintiff's objection to Interrogatory 6 is sustained. Plaintiff shall respond to Interrogatories 9, 10, and 11 with any documents, even if previously produced, that support the claim of access, and represent that the only evidence not produced is contained in attorney's notes of conversations with Riverside Realty, the Westport Building Department, and the Westport News.

The interrogatories shall be responded to by October 13, 2015. The requested information shall be provided to the Court by October 13, 2015.

It is so ordered.

Dated at Bridgeport this 8th day of October 2015.

/s/
Holly B. Fitzsimmons
United States Magistrate Judge